## 2011 DRAFTING REQUEST

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Received: 11/01/2011				Received By: phurley			
Wanted: As time permits			Companion to LRB:				
For: Leah Vukmir (608) 266-2512			By/Representing: Dean				
May Contact:		Drafter: phurley					
Subject:	Crimina	al Law - drugs			Addl. Drafters:		
				Extra Copies:			
Submit vi	a email: YES						
Requester	r's email:	Sen.Vukmi	r@legis.wis	sconsin.gov			
Carbon co	opy (CC:) to:						
Pre Topic	e:	,					
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Topic:						· · · · · · · · · · · · · · · · · · ·	
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# 2011 DRAFTING REQUEST

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Carbon	copy (CC:) to:															
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# 2011 DRAFTING REQUEST

Bill

FE Sent For:

Received: 11/01/2011	Received By: phurley Companion to LRB: By/Representing: Dean			
Wanted: As time permits				
For: Leah Vukmir (608) 266-2512				
May Contact:	Drafter: <b>phurley</b> Addl. Drafters:			
Subject: Criminal Law - drugs				
	Extra Copies:			
Submit via email: YES				
Requester's email: Sen.Vukmir@legis.wisconsin.gov				
Carbon copy (CC:) to:				
Pre Topic:				
No specific pre topic given				
Topic:				
Electronic prescriptions				
Instructions:	***************************************			
See attached				
Drafting History:				
Vers. <u>Drafted</u> <u>Reviewed</u> <u>Typed</u> <u>Proofed</u>	Submitted Jacketed Required			
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<END>

#### Hurley, Peggy

From:

Dodge, Tamara

Sent:

Tuesday, November 01, 2011 12:13 PM Hanaman, Cathlene; Hurley, Peggy

To: Subject:

FW: Drafting Request

I had a voice mail and the following message from Sen. Vukmir's office. I assume that you ladies draft controlled substances. If not, let me know who does or throw it back at me and I can do it. If one of you takes the draft, please let Deano know you have it.

Thanks, Tami

#### Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Cady, Dean

Sent: Tuesday, November 01, 2011 11:55 AM

To: Dodge, Tamara

**Cc:** Pyritz, Michael; Dake, Marsha **Subject:** Drafting Request

Hey Tamara, this is deano from Senator Vukmir's office. I just left you a voice mail regarding a Bill Leah would like to have drafted concerning "pharmacies accepting Schedule II Prescription Orders Electronically," affecting Wisc Stat. 961.38 (1r), Prescriptions. The Bill would add two words to current law, I placed the two words in bold, below.

Current Law / 961.38 (1r)

"Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule II may be dispensed without the written prescription of a practitioner."

Allowing Pharmacies to Accept Schedule II Prescription Orders Electronically / change to current law "Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule II may be dispensed without the written <u>or electronic</u> prescription of a practitioner."

Also, I "cc'd" Representative Stone's office in case the Representative would like a companion drafted. Any questions Tamara give me a shout. Thankx a mil, I know you guys are busy right now.



# State of Misconsin 2011 - 2012 LEGISLATURE

LRB-207PM
PJH:CISH
YEEP

PRELYMINARY DRAFT-NOT READY FOR INTRODUCTION

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AN ACT to amend 450.11 (2), 961.38 (1r) and 961.38 (2) of the statutes; relating

to: electronic prescriptions for schedule II controlled substances.

### Analysis by the Legislative Reference Bureau

Under current law, controlled substances are divided into five separate schedules, depending on the substance's potential for abuse, whether the substance has a currently accepted and safe medical use, and whether and to what degree the substance leads to physical or psychological dependence. Schedule II substances are those that have a high potential for abuse and may lead to severe physical or psychological dependence, but also have a currently accepted medical use.

Under current law, a drug that is a schedule II substance may be dispensed to a person directly by a practitioner or by a pharmacy with a written prescription by the practitioner or, in the case of an emergency, by a pharmacist who receives an oral or electronic prescription by the practitioner that is promptly reduced to writing and filed by the pharmacist.

Under this bill, a drug that is a schedule II substance may be dispensed by a pharmacy with an electronic prescription by the practitioner in cases that are not emergencies and without the requirement that the prescription be reduced to writing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1	<b>SECTION 1.</b> 450.11 (2) of the statutes is amended to read:
2	450.11 (2) Prescription order file. Every prescription o

450.11 **(2)** Prescription order file. Every prescription order shall be filed in a suitable book or file and preserved for at least 5 years. Subject to s. 961.38 **(2)**, prescription Prescription orders transmitted electronically may be filed and preserved in electronic format.

**Section 2.** 961.38 (1r) of the statutes is amended to read:

961.38 **(1r)** Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule II may be dispensed without the written <u>or electronic</u> prescription of a practitioner.

**Section 3.** 961.38 (2) of the statutes is amended to read:

961.38 **(2)** In emergency situations, as defined by rule of the pharmacy examining board, schedule II drugs may be dispensed upon <u>an</u> oral <del>or electronic</del> prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with rules of the pharmacy examining board promulgated under s. 961.31. No prescription for a schedule II substance may be refilled.

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(END)

## Godwin, Gigi

From:

Sent:

Cady, Dean Monday, November 07, 2011 2:22 PM

To:

Subject:

LRB.Legal
Draft Review: LRB 11-3373/1 Topic: Electronic prescriptions

Please Jacket LRB 11-3373/1 for the SENATE.